

**O.A. 68/2016 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

**C.A. 404/2019 -**

Heard Shri V. Venkatraman, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant wants to file necessary documents as mentioned in C.A.404/2019 in Para-4 which is as follows –

“The original application is annexing herewith a copy of a news article in daily “Lokmat” dated 23/09/2019 as Document no.1 which demonstrates that vacancies on the post of Safaigar are still available and that the respondent no.3 i.e. the Project Officer made four compassionate appointments in the posts of “Safaigar”.

3. For the reasons stated in the application the C.A.No.404/2019 is allowed and the applicant is permitted to file documents on record.

**O.A. 68/2019** –

Heard Shri V. Venkatraman, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. submitted that as per the order dated 16/10/2019 in para-2 he is required two weeks time to take necessary instructions. At his request, **S.O. two weeks.**

**Vice-Chairman**

dnk.

**O.A. 887/2019 (S.B.)**

(Shri K.N. Khandebharad Vs. State of Mah.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. The impugned order dated 7/11/2019 (Annex-3,P-15) has been pointed out by the learned counsel for the applicant and in the said order he pleads that the provision of the Chapter-II of Clause 4 (5) of the Maharashtra Government Servants Regulation of Transfers & Prevention of delay in Discharge of Official Duties Act, 2005 (herein after referred as "Transfer Act,2005") has been violated by the facts recorded on the impugned order itself, while submitting copy to the Divisional Commissioner. The Transferring Authority has mentioned and requested for post-facto sanction from Divisional Commissioner i.e. Next Higher Authority for transfer purpose. Hence it clearly indicates as per the provisions of Chapter-II Clause 4 (5) of the Transfers Act,2005, where prior approval of the Superior Officer is mandatory in such

transfer cases. In this case it has not been followed before issuing the order.

3. This is violative as per the provisions of Chapter-II Clause 4 (5) of the Transfers Act,2005. Considering this technical mistake by the Transferring Authority and violating provisions of the Transfers Act,2005 the impugned order dated 7/11/2019 (Annex-3,P-15) is stayed immediately and the respondents are directed to allow the applicant to work on the same post till filing of the reply. The order must be complied within 72 hours from the date of this order.

4. Issue notice to R-2 to 4, returnable on 19/11/2019. Learned P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

6 Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure)

Rules,1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. 19/11/2019.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**O.A. 849/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Smt. K.N. Saboo, Id .counsel for the applicant and Shri S.A. Sainis, Id .P.O. for the respondents.

2. The learned counsel for the applicant has filed Pursis along with order of Hon'ble High Court dated 8/11/2019. It is taken on record and marked Exh-X. As per this order the Hon'ble High Court has stayed the G.R. dated 11/07/2019 till next date i.e. 05/12/2019.

3. The learned counsel for the applicant to remove office objections i.e. page nos.35 & 36 which are not legible.

4. The learned P.O. seeks two weeks time to file reply. At his request, **S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 850/2019 (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Smt. K.N. Saboo, Id .counsel for the applicant and Shri S.A. Sainis, Id .P.O. for the respondents.

At the request of learned P.O., **S.O.**  
**two weeks** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 357/2019 with C.A. 417/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Heard Shri Vishal Anand, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-3, i.e. the Additional Commissioner, Tribal Development, Nagpur in O.A.. It is taken on record. Copy is served on the applicant.

3. Since the pleadings are complete, the matter is admitted and it be kept for final hearing.

4. The learned P.O. waives notice for the respondents.

5. In the meantime, the C.A. will be heard along with the O.A.

**S.O. in due course.**

**Vice-Chairman**

dnk.



**O.A. 757/2019 (D.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Heard the applicant in person. Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned counsel for the applicant has submitted that in order dated 13/02/2019 in O.A.536/2018 in para-2 the following observations were made which is as follows –

*“(2) From the record it appears that the applicant has preferred representation dated 07/05/2018 (Annex-A-8,P-192 to 197) to the State Government, i.e. the Principal Secretary, Public Works Department, Mumbai (R/1). Therefore, the respondent no.1, i.e., the Principal Secretary, Public Works Department, Mumbai (R/1) is directed to decide the applicant’s representation dated 07/05/2018 within three months from the date of this order. The applicant is at liberty to come before the Tribunal if he is aggrieved with the order”.*

3. Now the applicant points out that punishment was awarded on 11/2/2019

(A-1(a),P-37 to 43). In this punishment order at page no.41 in para-13 the following punishment has been given –

^13- R; k vFkhj 'kkI u vkrk vI svkn's k n'sr vkg'sdh] Jh-  
Mh-, l - dkoj] dk; Zkjh vfhk; ark ¼I sfu-½ ; k; k  
I o'kfuor'horukru njegk 06 VDds ¼I gk VDd½ brdh  
jDde , dk o"kk'bfjrk di kr dj. ; kr ; koh-\*\*

4. As liberty was given in Tribunal's order dated 13/2/2019, the applicant has come before the Tribunal against the said Tribunal's order.

5. The learned P.O. requested three weeks time for filing reply. At his request, **S.O. three weeks.**

**Vice-Chairman**

dnk.

O.A. 762/2019 (D.B.)

**Coram: Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

None for the applicant. Shri P.N. Warjurkar, Id .P.O. for R-1. Await service of R-2 to 4.

**S.O. four weeks** for filing service affidavit.

**Vice-Chairman**

dnk.

O.A. 266/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

None for the applicant. Heard Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-1 to 3. It is taken on record.

**Heard. Admit.**

The Id. P.O. waives notice for the respondents.

**S.O. in due course.**

**Vice-Chairman**

dnk.

O.A. 558/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

None for the applicants. Shri V.A. Kulkarni, Id. P.O. for R-1 to 7. None for R-8&9.

At the request of Id. P.O., **S.O. one week** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 734/2019 (S.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

None for the applicant. Heard Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-2, i.e., Dy. Conservator of Forest, Pandharkawada. It is taken on record. It is submitted that reply of R-2 is sufficient to decide the matter.

**Heard. Admit.**

The learned P.O. waives notice for the respondents.

**S.O. in due course.**

**Vice-Chairman**

dnk.

O.A. 835/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Shri R.M. Fating, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. two weeks** for filing reply as a last chance.

**Vice-Chairman**

dnk.

O.A. 852/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Smt. K.N. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2.

At the request of Id. counsel for the applicant, **S.O. one week** for filing service affidavit.

**Vice-Chairman**

dnk.



O.A. 815/2019 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O.**  
**three weeks** for filing reply.

**Vice-Chairman**

dnk.

**C.A. 426/19 in O.A. 885/2019 (S.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Heard Shri D.N. Mehta, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice on **C.A.** as well as on **O.A.** to R-2 to 5, returnable **after four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record

**S.O. after four weeks.**

**Vice-Chairman**

dnk.

**O.A. 189/2019 (S.B.)**

**Coram:Shri Shree Bhagwan,**  
**Vice-Chairman.**

**Dated : 11/11/2019.**

Heard Shri S.G. Jagtap, Id. counsel for the applicants, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri H.D. Marathe, Id. counsel for R-3 to 7.

2. Shri H.D. Marathe, Id .counsel has already filed reply on behalf of R-3 to 7.

3. However, the reply of respondent no.1 is necessary. The learned P.O. seeks two weeks time to file reply. Time is granted.

4. Since reply of R-3 to 7 is filed, the matter is admitted and it be kept for final hearing.

5. The learned P.O. waives notice for R-1&2.

6. In the meanwhile, the Id. P.O. must file reply of R-1 and supply the copy of the reply to the other sides well in advance.

**S.O. 29/11/2019.**

**Vice-Chairman**

dnk.

O.A. 793/2016 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

The matter was heard on 14/10/2019 and order was passed. However, today the learned counsel for the applicant is not feeling well and therefore he seeks further time. At his request, **S.O. 27/11/2019.**

**Vice-Chairman**

dnk.

**O.A. 930/2017 (S.B.)**

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned P.O. submits that as per the order dated 16/10/2019 he was directed to take instructions from the department, however, since he is yet to receive the instructions from the department, therefore, he requested further time to take instructions as per the order dated 16/10/2019.. At his request, **S.O. one week.**

**Vice-Chairman**

dnk.

O.A. 278/2016 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri R.V. Shiralkar, Id. counsel holding for Shri S.N. Gaikwad, Id .counsel for R-3.

At the request of Id. counsel for R-3,

**S.O. after two weeks.**

**Vice-Chairman**

dnk.

O.A. 365/2016 (S.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 11/11/2019.**

None for the applicant. Shri V.A.  
Kulkarni, Id. P.O. for the respondents.

**S.O. in due course.**

**Vice-Chairman**

dnk.

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